

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT
1300 OAK STREET
KANSAS CITY, MISSOURI 64106**

DIVISION 1

**REX GABBERT, PRESIDING JUDGE
THOMAS H. NEWTON, JUDGE
ALOK AHUJA, JUDGE**

DIVISION 2

**KAREN KING MITCHELL, PRESIDING JUDGE
CYNTHIA MARTIN, JUDGE
GARY DEAN WITT, JUDGE**

DIVISION 3

**VICTOR C. HOWARD, PRESIDING JUDGE
LISA WHITE HARDWICK, JUDGE
JAMES E. WELSH, JUDGE**

**SPECIAL DIVISION (SITTING AT CAMDEN ON THE LAKE)
IN CONJUNCTION WITH THE MID-AMERICA LABOR/MANAGEMENT CONFERENCE**

**MARK D. PFEIFFER, CHIEF JUDGE, PRESIDING
GARY D. WITT, JUDGE
REX GABBERT, JUDGE**

**SPECIAL DIVISION (SITTING AT TAN-TAR-A RESORT, OSAGE BEACH, MO IN
CONJUNCTION WITH THE ANNUAL MEETING OF THE MISSOURI ASSOC. OF CRIMINAL
DEFENSE LAWYERS**

**MARK D. PFEIFFER, CHIEF JUDGE, PRESIDING
GARY D. WITT, JUDGE
ZEL FISCHER, SPECIAL JUDGE**

ORAL ARGUMENT DOCKET - JULY, 2016

NOTICE TO COUNSEL

Enclosed is a copy of the Court's docket scheduling your case for argument. Please review this docket and the following information carefully. Please note the information below for each division:

***DIVISION 1: THIS DIVISION WILL SIT ON JULY 14TH AND 27TH, 2016 WITH DOCKET
CALLS AT 9:00 A.M. AND 10:30 A.M.***

***DIVISION 2: THIS DIVISION WILL SIT ON JULY 13, 2016 WITH DOCKET CALLS AT 9:00
AND 10:30 A.M.***

DIVISION 3: THIS DIVISION WILL SIT ON JULY 6TH AND 20TH, 2016, WITH DOCKET CALLS BOTH DAYS AT 9:00 AND 10:30 A.M.

SPECIAL DIVISION: THIS DIVISION WILL SIT ON JULY 11, 2016 AT CAMDEN ON THE LAKE, LAKE OZARK, MO IN CONJUNCTION WITH THE MID-AMERICA LABOR MANAGEMENT CONFERENCE. DOCKET CALL WILL BE AT 1:30 P.M. IT WILL ALSO SIT ON JULY 22, 2016 AT TAN-TAR-A RESORT, OSAGE BEACH, MO IN CONJUNCTION WITH THE ANNUAL MEETING OF THE MISSOURI ASSOCIATION OF CRIMINAL DEFENSE LAWYERS. DOCKET CALL WILL BE AT 1:15 P.M.

If you are not present for the docket call, your case will be submitted on the briefs. If you do not intend to orally argue a docketed case (whether the appellant or respondent), please notify this office immediately of that decision. Any respondent who has not filed a brief will not be permitted oral argument.

PLEASE NOTE THE FOLLOWING CHANGE IN ARGUMENT TIMES:

In most cases, counsel will be allowed a maximum of 10 minutes per side with an additional three minutes for rebuttal by the appellant. In cases designated as “expanded oral argument” preceded and followed by three asterisks, argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant.

The Court may call upon counsel to announce the amount of time they intend to use when the docket is called. Please keep in mind that the judges on the panel will be familiar with the briefs. The Court views oral argument as an opportunity to focus on the points of difficult analysis rather than a forum to verbally rehash the entire brief. Therefore, the Court expects counsel to tailor their requests for time accordingly. Counsel should also remember that they are not required to use the total time reserved.

Cross appeals shall be treated as one case, and in such cases the plaintiff in the trial court shall be entitled to open and close the argument. **If there are multiple appellants or respondents, the parties will ordinarily be expected to divide among themselves the time allowed for an appellant or respondent.**

Original exhibits shall be deposited with the court on or before the date on which the parties file their opening briefs unless the court grants permission to submit them at a later time. Any exhibits not timely deposited may be considered by the court as immaterial to the issues on appeal. Rule 81.16. Unless deposited exhibits are removed from the custody of the clerk within 30 days after the case is finally decided, upon prior notice to the parties, they may be destroyed or disposed of by the clerk. Rule 81.16(d).

Opinions are issued each Tuesday morning. Motions for rehearing and/or transfer to the Supreme Court must be filed within fifteen (15) days after the opinion has been issued.

If you have any questions concerning the docket, please contact this office at 816-889-3600. If you have special needs addressed by the Americans with Disabilities Act, please notify this office at least one week prior to the date of oral argument.

Terence G. Lord, Clerk

MEMO

To: All attorneys on the July 11th docket at Camden on the Lake

FROM: Kathy St.John, Deputy Clerk

SUBJECT: Directions/Location to your argument

We will be holding arguments at the Osage/Gravois Room on the first floor of Camden on the Lake, 2359 Bittersweet Road, Lake Ozark, MO. These arguments are being held in conjunction with the Mid-America Labor/Management Conference on July 11 at 1:30 p.m. Here is a link to the resort's website with directions and contact information on how to get there:

<http://www.camdenonthelake.com/>

If you have any questions about the exact location, please contact the resort. If you have any questions about your argument, please feel free to call the court and ask for Terence Lord, Clerk of the Court, who will be able to answer any questions you may have.

Thank you, and we look forward to seeing you at arguments on the 11th.

SPECIAL DIVISION

MARK D. PFEIFFER, CHIEF JUDGE, PRESIDING

GARY D. WITT, JUDGE

REX GABBERT, JUDGE

JULY, 2016

<p>IMPORTANT NOTE</p>

**THIS DIVISION WILL SIT ON JULY 11, 2016 AT CAMDEN ON
THE LAKE, LAKE OZARK, MO IN CONJUNCTION WITH THE
MID-AMERICA LABOR/MANAGEMENT CONFERENCE.
DOCKET CALL WILL BE AT 1:30 P.M.**

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

11-Jul-2016 13:30

SPECIAL DIVISION

Camden On The Lake

1. WD78835

COLE COUNTY CIRCUIT COURT

**PENNY SCHROCK, APPOINTING AUTHORITY DEPARTMENT OF SOCIAL SERVICES, DIVISION
OF FINANCE AND ADMINISTRATIVE SERVICES, RESPONDENT,**

vs

XINSHENG (RANDY) GAN, APPELLANT.

XINSHENG GAN, Appellant

GEORGE SWEARINGEN SMITH

ANDREW GLENN HEITMANN

PENNY SCHROCK, Respondent

DARYL RYAN TAYLOR

2. WD79053

LABOR AND INDUSTRIAL RELATIONS

TIMSTER'S WORLD FOUNDATION, APPELLANT,

vs

DIVISION OF EMPLOYMENT SECURITY, RESPONDENT.

TIMSTER'S WORLD FOUNDATION, Appellant

PHILIP A KLAUHN

STATE OF MISSOURI DIVISION OF EMPLOYMENT SECURITY, Respondent

ANDREW C HOOPER

WD79465

LABOR AND INDUSTRIAL RELATIONS

**TREASURER OF THE STATE OF MISSOURI - CUSTODIAN OF THE SECOND INJURY FUND,
APPELLANT,**

vs

DARYL MAJORS, RESPONDENT.

TREASURER OF THE STATE OF MISSOURI-CUSTODIAN 2ND INJURY FUND, Appellant

BRIAN R HERMAN

DARYL MAJORS, Respondent

JERROLD KENTER